

1905-052 Chancery Causes. Cdn. of Herbert O. Pales<sup>10by</sup> vs. Bertha S. Pales to  
Lee Co.

Scherrer, Scherer, Thompson, Sherer, Reimer

CA-Estate Dispute  
T-Property  
Migration

Will: 1901 : Caleb W. Thompson : Lee County



To the Hon. H. A. W. Skeen, Judge of the Circuit Court of Lee County:

Humbly complaining, your orator Charles <sup>0</sup>Sherer, guardian for Herbert O. and Bertha S. Bales would respectfully represent and show into your honor, that on the 17th day of Jan., 1902, by the Probate Court of the county of Thomas, in the sate of Kansas, he was appointed guardian for Herbert O. and Bertha S. Bales, and as such guardian, qualified in said court and executed bond therein.

Your orator would further represent and show unto your honor, that the grandfather of the said two infant children, departed this life some time ago, partly testate as to his real estate, having made a will giving to the said Herbert O. and Bertha S. Bales one third of his real estate, ~~that the said grandfather, to-wit: C. N. Thompson, made no disposition of the remainder of his real estate whatever. The said C. N. Thompson left as his heirs at law, the said Herbert O. and Bertha S. Bales to inherit one third of the remainder of his said real estate and personal property which he had left undisposed of. Your orator is therefore informed that the interest of the said infants in their said grandfather's estate under the will of the said Thompson and as heirs is 5/9 of the whole of his said~~ Real Estate ~~personal property estate.~~

Your orator will further represent and show unto your honor, that the said C. N. Thompson was the owner of a certain tract of ~~±~~ land, situated in Lee County, containing \_\_\_\_\_ acres, and more particularly discribed in a copy of the deed thereto, here filed as part of this bill, marked exhibit "A", and asked to be considered as part of this bill, your orator also filed ~~as~~ as part of this bill, a copy of the said will referred to above, as exhibit "B".

Your orator would further represent and show unto your honor, that the said Herbert O. and Bertha S. Bales were the children of Clemintine Bales, who was a daughter of the said C. N. Thompson, and that the father of the said infants is, John Bales, who is now living in, and is a citizen of the County of Thomas, and state of Kansas. Your orator is therefore advised if the said Herbert O. Bales was dead, his lawfull heir would be his father, and if the said Bertha S. Bales was dead her lawfull heir would be her father.



Your orator would further represent and show unto your honor, that it is impossible, and certainly impracticable to manage the said real estate of said infants so far removed from them, as to make the same profitable to them. He therefore charges that it would greatly promote the interest of the said infants to have the said real estate sold and the funds derived from the sale thereof invested in the said state of Kansas, where said infants reside.

Your orator will further represent and show unto your honor, that the personal property which the said infants have is an interest in their said grandfather's estate, which will not exceed, as your orator is advised, <sup>to this part</sup> the sum of \$200.00. The said Bertha S. Bales is of the age of fifteen years, and the said Herbert O. Bales, eleven years.

The prayer therefore of your orator is that Herbert O. and Bertha S. Bales, and their father, John Bales, be made parties to this bill of complaint, and be required to answer the same; but the said father and Herbert O. Bales need not answer under oath; that a guardian ad litem be appointed to defend the said Herbert O. Bales and Bertha S. Bales, and required to answer this bill; that ~~upon~~ hearing, the said land or interest in said real estate be sold at such time, and ~~upon~~ such terms as the court may, in its opinion, deem proper and expedient. And may all further and general relief be granted your orator as the nature of his cause and good conscience requires, and he will ever pray, &c.

Charles Scherer  
Plumington Mass p. 4.

State of Kansas,

County of Thomas, to wit:-

I, W. S. Willson a notary public in and for the County and state aforesaid do hereby certify that Charles ~~Scherer~~ Scherer this day personally appeared before me and made oath that the statements made in the foregoing bill so far as made upon his own information is true and so far as made upon information derived from others, he believes to be true. Given under

my hand and seal this the 6<sup>th</sup> day of June, 1902.

Amended July 3<sup>rd</sup> 1904

W. S. Willson  
 N.P.



Dec. 19-1881 B. Murry  
 Chm. Dist- 9.72  
 Ex. pte. ltr. 1.19

Plt. 9.00  
 Clerk 6.00  
 Tax 1.50  
 Shff 1.50  
 atty 15.00  
 G.A.L. 5.00

Depositions 3.25  
 Estimated 5.00  
 Co. Clerk 4.00

\$36.74

Q. 11.2  
 47.94

225.  
 0.  
 11.25

Engr. Clerk \$2.40

225.00  
 47.94  
 2/177.01  
 16  
 17  
 16  
 10

177.10  
 27.34  
 131

155.  
 10.00

3/165.31

Chas. Scherer

vs } Mr. Chenevix

Bertha S. Paley et al

1902. 1st June rules bill  
 filed Spa. & sented  
 as to G.A.L. filed  
 & D.N.  
 " 2nd June rules D.N.  
 Confd. & Cause set  
 for hearing.

EV. PENNINGTON ROBT. L. PENNINGTON  
 Pennington Bros.  
 ATTORNEYS AT LAW  
 JONESVILLE AND PENNINGTON GAP VA.



To the Hon. H.A.W.Skeen, Judge of the Circuit Court for Lee County:

The seperate answer of John S. Bales to a bill in Chancery filed in the Circuit Court for Lee County by Charles <sup>c</sup>Sherer, guardian, vs. your respondent and his two infant children, Herbert O. and Bertha S. Bales.

For answer to the said bill, or so much thereof as he is advised that it is necessary that he should answer, answering he says: That he has read the bill of the said complaint <sup>aw</sup> and that so far as he is advised, he believes that the same contains a true statement of the facts, he also believes that it would be to the best interest of the said infants to have their real estate sold, according to the prayer of the said plaintiff's bill, and to have the proceeds thereof invested and placed ~~at their~~ interest, because he believes that it would be impossible to manage the said real estate, to which they are entitled, so great a distance, to the advantage of the said infants. It is also true that he is the father of the said two infant children, and he is advised that as such, in case of their death he would become their lawfull heir. The prayer therefore of your respondent is, that the prayer of the complaint <sup>aw</sup> be granted, and that the land be sold, as therein prayed for. And now having answered as fully as he is advised that it is necessary that he should answer, prays to be hence dismissed, &c.

John S. Bales



prayer to be hence dismissed, &c.

as fully as he is advised that it is necessary that he should answer, the land be sold, as therein prayed for. And now having answered abundant is, that the prayer of the complaint be granted, and that would become their lawful heir. The prayer therefore of your children, and he is advised that as well, in case of their death he

Bertha S. Baeratas  
and 3 Alseum  
of John Bates  
Chas. Scherer.

that he is also advised that he is the father of the said two infants they are admitted, as to a distance, to the advantage of the said it would be impossible to manage the said real estate, to which of interest and placed at interest, because he believes that of interest he has maintained his bill, and I have the proceeds thereof to have their real estate sold, according to the belief believes that it would be to the best interest of the said infants, he believes that the same contains a true statement that has been made of the said complaint and that so far as that is necessary, that he should answer, answering he says:

For answer to the said bill, or so much thereof as he is advised and Bertha S. Baeratas.

Ernestian, as your respondent and his two infant children, Herbert C. Chenevix filed in the Circuit Court for Lee County by Charles Scherer, the separate answer of Bertha S. Baeratas to a bill in

to the Hon. H.A.W. Skene, Judge of the Circuit Court for Lee County:



In the Circuit Court of the County of Lee :

The answer of Herbert O. Bales and Bertha Bales

infants under the age of twenty-one years, by M. G. Ely (a discreet and competent attorney at law), their guardian *ad litem* assigned to defend them in this suit, and the answer of the said M. G. Ely, guardian *ad litem* of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Charles Scherer Guardian  
etc - in the Circuit Court of the County of Lee

X For answer to the said bill the said infant defendants by their said guardian *ad litem* answer and say that being of tender years they do not know what their true interests are in relation to the subject matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian *ad litem* of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now having fully answered, these defendants pray to be hence dismissed with their costs, etc.

Herbert O. Bales

Bertha Bales -

By

M. G. Ely

Guardian *ad litem*.

M. G. Ely

} Guardian *ad litem* of the said infants.

STATE OF VIRGINIA,

County OF Lee

} ss.

Sworn to before me in my County aforesaid by M. G. Ely,  
guardian *ad litem* as aforesaid, this the 29<sup>th</sup> day of May, 1902 - A. D. 189

Geo. P. Corbitt, N. P.



Charles Schen Quad-

vs.

{ ANSWER OF INFANT DEFENDANTS BY  
THEIR GUARDIAN AD LITEM, AND  
ANSWER OF THE GUARDIAN AD  
LITEM FOR THE INFANTS.

Herbert O. Bales, et als.

Filed June 2<sup>nd</sup> 1892  
A B Munsey Clerk

Fee \$5<sup>00</sup>



To the Hon. H.A.W.Skeen, Judge of the Circuit Court for Lee County:

The seperate answer of Bertha S. Bales an infant over the age fourteen year to-wit : of the age of fifteen years, to a bill in Chancery filed in the circuit court for Lee County by Charles Sherer, her guardian against you respondent and others, to answer to said bill, or so much thereof as she is advised that it is necessary she should answer, answering says; that it is true that she is an infant of the age of fifteen years, and that she supposes that it is true that she, along with her brother Herbert O. Bales have an undivided 5/9 interest in said real estate, which came to your said respondents and her brother by the will of her grandfather, C. N. Thompson, and by descent to her from her said grandfather. She is also advised that it would be to her best interest to have the said real estate sold and the proceeds thereof invested for her benefit or loaned out at interest. She joins with her said plaintiff in his prayer for the sale of the said real estate. And now having answered as fully and completely as she is advised that it is necessary she should answer, and admitting the truthfullness of the statement of the plaintiff, prays to be hence dismissed, &c.

Bertha S. Bales.

State of Kansas,

County of Thomas:

I, W S Hallett a notary public in and for the county and State aforesaid do hereby certify that Bertha S. Bales this day personally appeared before me and made oath that the statements made in the foregoing answer so far as made upon her own information is true and so far as made upon information derived from others she believes to be true.

Given under my hand and seal this the 6<sup>th</sup> day of June, 1902.

W S Hallett J.P.

Notary Public with  
for Thomas County Kansas

my Com Exp July 3<sup>rd</sup> 1907



Given under my hand and seal this the 1st day of June, 1908.

This action derived from official believes to be true.

Made upon her own information in true and so far as made upon

oath that the statements made in the foregoing answer so far as

Bertie S. Bales this day personally appeared before me and made

and for the county and State aforesaid do hereby certify that

I, John H. McLean, a Notary Public in  
County of Thomas:

State of Kansas,

the plaintiff, prives to be hence dismissed, &c.

should answer, and admitting the truthfulness of the statement of  
as fully and completely as she is advised that it is necessary she

answer for the sake of the said real estate. And now having answered

looked out at the court. She joins with her said plaintiff in his

real estate sold and the proceeds thereof invested for her benefit

also advised that it would be to her best interest to have the said

Thomas, and her interest to her from her said grandfather. She is

respondent and her interest by the will of her grandfather, G. W.

divided among the said real estate, which came to your said

first time she, having with her brother Herbert O. Bales have an un-

der of the said fifteen years, and that she supposes that it is

an old answer, answer my says; that it is true that she is an in-

bill, or so much thereof as she is advised that it is necessary she

her Guardian against your respondent and others, to answer to said

chancery filed in the circuit court for Lee County by Charles Shorter,

fourteen year to-wit: of the age of fifteen years, to a bill in

The separate answer of Bertie S. Bales an infant over the age

to the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County;

*Bertie S. Bales*  
*was*  
*Charles Shorter*



Charles Scherér, Guardian,  
vs In Chancery,

Complainant,

Bertha S. Bales et al,

Defendants.

This cause came on this day to be heard upon the papers formerly read therein and the report of commissioner R.L. Pennington filed herein on the 9th day of May, 1905, showing that W.M. Thompson has paid the purchase money due by him on the land purchased by him, and showing that the funds derived from the sale of said lands have been accounted for to the attorneys for plaintiff by the said commissioner; and was argued by counsel:

On consideration of all which it is adjudged, ordered and decreed that the said report be and the same is hereby confirmed, and the said W.M. Thompson having paid the purchase money due by him ~~xxxxxxx~~ is now entitled to a deed for the land purchased by him in this cause, it is, therefore, further adjudged ordered and decreed that R.L. Pennington, who is hereby appointed a special commissioner for the purpose will make execute and deliver to the said W.M. Thompson a good and sufficient deed with covenants of special warranty conveying said land bought by him to him, and report his action to this court; and it appearing to the said court that the said R.L. Pennington, who was hereinbefore appointed to make, execute and deliver to the said W.M. Thompson a deed for the land purchased by him in this case ~~xxx~~ has performed the duty required of him, and has filed his report of said deed herein, and the said deed and said report being unexcepted to, the same is hereby approved and confirmed, and said Thompson will pay to said Pennington the sum of \$5.00 for making said deed, and there remaining nothing further to be done in this cause the same is stricken from the docket.



Chas Scherer Green

v  $\frac{3}{4}$  Secre Cong. Aug  
4 Official

Bertha S. Baer & Co

Entered in C. O. B.  
No. 8-19-

Enter this May 15-  
1905  
H. C. W. Stone



Charles Scherer, Gdn, ~~xxxx~~

Complainant

vs

In Chancery

Bertha S. Bales, et al

Defendants.

This cause came on to be heard upon the papers formerly read therein and the report of Social Commissioner R.L. Pennington filed herein on the 22 day of <sup>June</sup> ~~May~~, 1903, and was argued by counsel.

On Consideration of all which it is adjudged, ordered and decreed that said sale reported by the said R.L. Pennington to W.M. Thompson and the said report filed by said Pennington be and the same is hereby confirmed to the said Thompson, and the said Thompson will take and hold the said <sup>undivided</sup> interest of Bertha ~~S~~ and Herbert O. Bales. And said Commissioner Pennington will pay out the costs in his hands and this cause is continued.



Charles Scherer Gdn. Pltff.

vs Decree.

Bertha S.Bales et al. DeftsM

~~Filed June 22nd 1903~~  
~~A.B. Munnery Clerk~~  
Ent. C. O. B. 7 P. 305.

*Handwritten signature*

Ent. this June  
6, 1903

~~H. C. W. Stone~~



Charles Shereer, \_\_\_\_\_ Complainant.

vs.

In Chancery,

Bertha S. Bales, and others.

*Defendants*

This cause came on this day to be heard upon the bill of complainant, and exhibit filed herewith, and <sup>the</sup> ~~a~~ separate answer of John Bales, and <sup>the</sup> ~~a~~ separate answer of Bertha S. Bales, an infant over the age of fourteen years, which is under oath, and <sup>the</sup> ~~an~~ answer under oath of M. G. Ely, the duly appointed guardian ad litem for Bertha S. Bales and Herbert O. Bales, and the deposition of witnesses, and was argued by counsel, on consideration of all which and <sup>it</sup> ~~appearing~~ to the court that it is to the promotion of the interest Bertha S. and Herbert O. Bales to have their interest in the real estate, mentioned in the plaintiff's bill, sold; ~~and~~ it is therefore adjudged, ordered and decreed that R. L. Pennington, who is hereby appointed special commissioner for the purpose, after having executed bond before the clerk of this court in the penalty of \$500, and having duly advertised the time and place of sale for at least thirty days, he will proceed to make sale of the land in the bill ~~of~~ proceedings mentioned and ~~dis~~cribed, belonging to the said infants, at public out cry, to the highest bidder, on one and two years time, with interest from date of sale on the deferred payments, except a sum sufficient to pay the cost of this suit, and the commissions of sale, which he will require to be paid in hand. And the said commissioner will report his action to the court, and this cause is continued.



Charles Scherer, Genl  
vs.  $\frac{5}{3}$  Decree in Sale

Bertha S. Balles

Cent. Ct. No 7 P 295

Enter this Mch

11/1403  
J. C. W. Scherer

bond before the clerk of this court in the penalty of \$ . . . and  
appointed special commissioner for the purpose, after having executed  
adjudged, ordered and decreed that R. F. Pennington, who is hereby  
estate, mentioned in the plaintiff's bill, sold and it is therefore  
Bertha S. and Herbert C. Balles to save their interest in the real  
and appealing to the court that it is to the promotion of the interest  
witnesses, and was argued by counsel, on consideration of all which  
for Bertha S. Balles and Herbert C. Balles, and the deposition of  
awer under oath of M. G. Ely, the duly appointed trustee and trustee  
over the age of fourteen years, which is under oath, and an an-  
John Balles, and a separate answer of Bertha S. Balles, an infant  
plaintiff, and exhibit filed herewith, and a separate answer of  
This cause came on this day to be heard upon the bill of com-  
Bertha S. Balles, and others.

vs.

In Chancery,

Charles Scherer,

Complainant.



To M.G.Ely, guardian ad litem for Bertha S. and Herbert O. Bales, in the Chancery cause of Charled Sherer, vs. them and others:

You are hereby notified that on the 14<sup>th</sup> day of June, 1902, at the office of W. S. McLeod ~~J. A. Brooks~~ in the town of Colby, county of Thomas, and state of Kansas, and between the hours of 8 A. M. and 8 P. M. , I will proceed to take the deposition of John Bales, and others, which when taken is intended to be read as evidence on behalf of myself in the said suit now pending in the Circuit Court for County , wherein I am plaintiff and Herbert O. and Bertha S. Bales and others are defendants, and if from any cause the taking of said deposition be not commenced, or if commenced be not completed the taking thereof will be adjourned from time to time and from place to place until the same shall be completed. On taking the said depositions the following questions will be propounded to the witnesses.

1. State your age, residence and occupation.
2. State your relation, if any, to Herbert O. and Bertha S. Bales.
3. State whether or not you are acquainted with the said Herbert O. and Bertha S. Bales.
4. Charles Sherer, guardian of said infants has pending in the Circuit Court for Lee County a suit having for its object the sale of a certain interest in the lands of C. N. Thompson, to which the said Herbert O. and Bertha S. Bales upon the death of said C. N. Thompson, became the owner of a  $\frac{5}{9}$  interest therein. This land is situated in Lee County. Now state whether or not, in your opinion, you think it would be best, and to the promotion of the interest of said minors to have their said interest in said real estate sold and proceeds invested and put at interest, if said real estate could be sold for its cash value.

You are also notified that on the 21<sup>st</sup> day of June, 1902, at the law office of R. L. Pennington, in the town of Jonesville,



between the hours of 8 A. M. and 8 P. M. of that day, I shall proceed to take depositions of M. Y. Tucker, and others to be read as evidence in the same matter as herein before set out above, and in taking of the said deposition I will proceed to propound to the witnesses the following questions.

1. State your name, age residence and occupation.
2. State whether or not you are acquainted with the land known as the C. N. Thompson place owned by the said C. N. Thompson at the time of his death.
3. What do you consider the fair cash value of said land as a whole and what would you consider a fair cash value of 5/9 thereof, if the same was laid off to the purchaser, and disjoined from the tract as a whole.
4. What do you consider a fair cash value of one third of the said land laid off to its self, and disjoined from the remainder of the tract.

Your respectfully,

*Charles Scherer.*

*Guardian for Herbert O. W. Bertha  
S. Bales.*

*I accept legal notice of the foregoing  
Notice & agree that the said depositions  
may be taken upon the interrogatories  
stated above.*

*M. Y. Ely - G. A. R. for  
said Infants.*



The deposition of John Bales and others, taken before me W. S. Willcoxon, a Notary Public in and for the county of Thomas and state of Kansas, pursuant to notice hereto annexed, at the office of W. S. Willcoxon in the town of Colby, and state of Kansas, on the 14<sup>th</sup> day of June, 1902, between the hours of 8 A. M. and 8 P. M. of that day, to be read as evidence in the behalf of Charles Sherer in a certain suit in Chancery pending in the Circuit Court of Lee County wherein the said Charles Sherer is plaintiff and Bertha S. Bales and others are defendants, also the interrogatories agreed upon as shown by the attached notice.

Witness, John Bales, being duly sworn deposes and says:

1. State your age, residence and occupation.

Ans. *Age 37 yrs and residence Thomas Co Kansas occupation farmer*

2. State your relation, if any, to Bertha S. Bales and Herbert O. Bales.

Ans. *I am the Father*

3. State whether or not you are acquainted with Herbert O. and Bertha S. Bales.

Ans. *I am they are living with me at the time*

4. Charles Sherer, guardian for said Herbert O. and Bertha S. Bales, has pending in the Circuit Court for Lee County, a suit having for its object the sale of a certain interest which said infants own in a certain tract of land, situated in Lee County, Va., which they derived from their grandfather, C. N. Thompson.

State whether or not, in your opinion, you think it would be to the promotion of the interest of said minors, to have said interest sold and the proceeds invested, and put to interest, if said real estate could be sold for its cash value.

Ans. *In my opinion it would be to the interest of said children to have the interest in said real estate sold and brought to Thomas County Kansas and there loaned at interest and the earnings of said interest would be greater here than ~~for~~ it now is there in Virginia. I know it would promote the interest of said minor children*



And further this deponent sayeth not.

John F. Bales

Witness, Charles Sherer, being duly sworn deposes and says:

1. State your age, residence and occupation.  
Ans.

2. State your relation, if any to Bertha S. and Herbert O. Bales.  
Ans. *No relation except legal Guardian*

3. State whether or not you are acquainted with Herbert O. and  
Bertha S. Bales.  
Ans. *I am.*

4. Charles Sherer, guardian for said Herbert O. and Bertha S. Bales, has pending in the Circuit Court for Lee County, a suit having for its object the sale of a certain interest which said infants own in a certain tract of land situated in Lee County, which they derived from their grandfather, C. N. Thompson. State whether or not, in your opinion, you think it would be to the promotion of the interest of said minors, to have said interest sold and the proceeds invested and put to interest, if said real estate could be sold for its cash value.

Ans. *I think it would be to their best interest Money can be loaned here on first edged security at 10% for annum*

And further this deponent sayeth not.

Chas. Sherer

Witness, Mellie Reimer, being duly sworn deposes and says:

1. State your age, residence, and occupation.  
Ans. *age 21 Residence Holly Occupation Stenographer*

2. State your relation, if any, to Bertha S. and Herbert O. Bales.  
Ans. *I am no relation to them But am well acquainted with them*

3. State whether or not you are acquainted with Herbert O. and B  
Bertha S. Bales. *I am well acquainted with them*



Ans.

4. Charles Sherer, guardian for the said Herbert O. and Bertha S. Bales, has pending in the Circuit Court for Lee County, a suit having for its object the sale of a certain interest which infants own in a certain tract of land situated in Lee county, which they derived from their grandfather, C.N. Thompson.
- State whether or not, in your opinion, you think it would be to the promotion of the interest of said minors, to have said interest sold and the proceeds invested and put to interest, if said real estate could be sold for its cash value.

Ans.

*I am of opinion that it would be best for the financial welfare of said minors to sell all their property of any kind and turn the money over to them.*

And further this deponent sayeth not.

Nelle Reimers

State of Kansas, County of Thomas; to-wit:

I, W. S. Skilleen, a Notary Public in and for the county of Thomas in the said state, do hereby certify that the foregoing depositions of John Bales, Chas. Scherer, and Nelle Reimers, were duly taken, sworn to and subscribed before me at the time and place, and for the purpose in the caption hereto mention. Given under my hand this the 14<sup>th</sup> day of June, 1902.

W. S. Skilleen N. P.  
Notary Public within and  
for the County of Thomas  
and State of Kansas

my Commission as Notary expires July 3<sup>rd</sup> 1904

Notary Fees	\$1.00
Swearing 3 witnesses	.75
Fees Nelle Reimers	1.00
Total Fees	\$3.25



Charles Schurz  
Glasgow

vs <sup>3</sup>/<sub>4</sub> Depositories

Bertha S. Barcott

Received from R.L.  
Perrington and filed  
June 19th 1902

A.B. Munsey Clerk

Retained this to  
A.B. Munsey Clerk  
Jonesville  
Lee Co. Va

Costs Depos \$3.25

AND whether this document is a copy or not.

Ans.

It said real estate could be sold for its cash value.

Interest sold and the proceeds invested and put to interest.

to the promotion of the interest of said minors, to have said

state whether or not, in your opinion, you think it would be

which they derived from their grandfather, C.N. Thompson.

having for its object the sale of a certain interest which in-

Bellevue, has pending in the Circuit Court for Lee County, a bill

4. Charles Sherer, Executor for the said Herbert O. and Martha S.

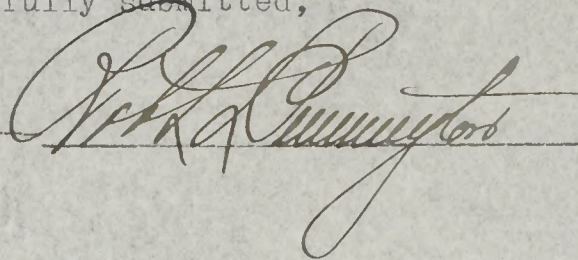
Ans.



To the Hon H.A.W.Skeen, Judge of the Circuit Court for Lee Co.,

The undersigned special commissioner was appointed by a decree in the chancery cause of Charles Scherer, Gdn. vs Bertha S. Biles, et al, to make to W.M. Thompson a deed to the land purchased by him in said cause begs leave to report that he has executed the said deed and here files the same for the inspection of the court.

Respectfully submitted,

  
Comr.

*Handwritten notes in left margin:*  
J. H. Cunningham  
v. Biles  
Gdn. vs Biles



Chas Scherer Gdms

v.  $\frac{3}{4}$  Report of Deed

Bertha S. Bales et al

*[Faint, illegible handwritten text, possibly a signature or date]*



To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County:

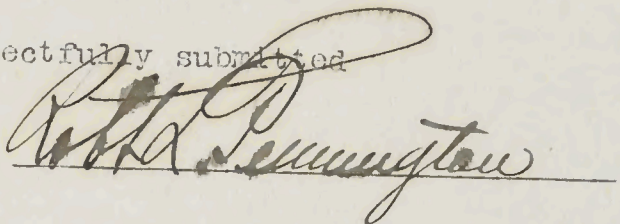
Pursuant to an order entered in the chancery cause of Charles Scherer Ebn. vs Bertha S.Bales,et al,at the March term,1903, of your honors court,the undersigned proceeded on the 20th day of April,1903,at the front door of the court house of Lee County, to make sale of at public outcry to the highest bidder the one third undivided interest of Bertha S and Herbert O.Bales, in the lands willed to them by their grandfather C.N.Thompson,having first advertised the time terms and place of sale according to the said decree, at which sale W.M.Thompson became the purchaser at the price of \$225.00. Said Thompson made settlement of his bid as follows:

Paid your commissioner Cash for costs taxed,	\$36.75
Executed 1 note with O.M.Yeary surety,due 1 yr.	11.25
,, 1 ,, ,, ,, ,, 2 yrs,	88.50
	88.50.

Your commissi ner is of the opinion that this is as much as can be g tten for this interest in this land, and is all that the land is worth in its present state of cultivation, and the said sale should be confirmed.

May 26,1903.

Respectfully submitted





Charles Scherer, Gdn, Pltff.

vs. Report of Sale.

Bertha S. Bales, et al. Defts.

.....

*Filed June 22, 1903*

*A B Munsey Clerk*

*[Faint, illegible handwritten text]*



Charles Scherer, Guardian, for &c.

vs In Chancery,

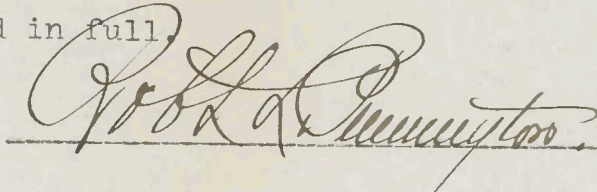
Bertha S. Bales, et al.

To the Hon. H. A. W. Skeen, Judge of the Circuit court for Lee County, Va:

Your undersigned special commissioner begs leave to report that W. M. Thompson has paid the whone of the purchase money due on the notes refered to in my report of June 22nd ,1903.

Your commissioner furthur reports that he has accounted for the proceeds of the sale of the said land to Pennington Bros., attorneys for the guardian of said Bertha and Herbert O. Bales, and that said attorneys have accounted to said guardian.

The said Thompson is now entitled to a deed for the purchase money has been paid in full.



Comr.



Chas Schurer Glee

v.  $\frac{1}{2}$  Rept of Paymaster  
 $\frac{1}{2}$  & Disbursements,

Bertha S Bales et al

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Filed May 9 1895

J. C. S. Goring, Clerk.

By W. E. Hawary, d.c.



I, Caleb N. Thompson of Lee County Virginia being of sound mind and memory do make and Publish this my last will and testament in the manner and form following to-wit:

I give to Bertha S. Bales and Herbert O. Bales Children of John Bales and Clementine Bales they being my Grand Children to the above named children I give one third of my real estate it being the one third of the land on which I now live. I make and appoint O. M. Yeary after my decease to be guardian for said children and also exutor to see that the Provisions of this my will to be fully put into effect: in testimony whereof I have hereunto set my hand and affixed my seal. this December 4th, 1899:

Witnessed by

William H. Speak

C. N. Thompson (Seal)

William Robinson

Virginia,

At a County Court begun and held for Lee County at the Court-house thereof, on Monday, the 19th, day of August 1901.

The last will and testament of C. N. Thompson was this day produced in court, and said will was Proved ~~by~~ the oath of Wm. Robinson, one of the subscribing witnesses thereto, who also proved the execution of said will in his presence and in the presence of William H. Speak, the other subscribing witness thereto, they all three being there present together at the time of the signing of the same. Thereupon, said will is ordered to be recorded.

And thereupon, on motion of O. M. Yeary, the executor named in said will, who made oath as the law directs, and entered into a bond in the penalty of one thousand dollars conditioned according to law, with C. W. Wynn, his surety therein, who justified on oath as to his sufficiency, which bond, being acknowledged by the obligors, is ordered to be recorded; and a certificate is granted the said O. M. Yeary for obtaining Probate of said will in due form.

A copy, Teste; B. M. Morgan Clerk.

A Copy, Teste B. M. Morgan --- Clerk.  
(Will B. No. 4. Page, 511)



Last Will of  
C. A. Thompson, Decd

---

copy-

Clerk 40 cts.



# LAND SALE!

Chas Scherer & Co  
vs.  
Betha S. Balas & Co

IN CHANCERY.

Pursuant to a decree rendered by the Circuit Court of Lee County, Virginia, at the Nov term, 1903, in the above styled cause, the undersigned will, at public outcry, at the front door of the Court-house of said county, on the first day of the April term, 1903, of the County Court of said county, proceed to sell, to the highest and best bidder, on a credit of one & two years time, except so much as may be necessary to pay the cost of suit and expense of sale

(which are required to be paid in hand), the following described property: a 1/3 undivided interest in the land of which C. N. Thompson died possessed & lying & being in the County of Lee & on which the said Thompson lived at the date of his death & being the interest of Betha S. & Herbert O. Balas

N. M. Thompson  
\$225.00

For a more particular description of the foregoing property reference is here made to the title papers of C. N. Thompson

Bonds with good and approved personal security will be required of the purchaser for the deferred payments. This the 14 day of March, 1903, 189

Robert Cunningham Commissioner.

The bond required by law has been given, B. Mursey Clerk.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Bertha S. Bales and Herbert Bales and John Bales* <sup>①</sup>

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the said court, on the *1st* Monday in *June* 1902, to answer a bill in chancery exhibited against *them* in our said court by *Charles Scherrer*

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the *28th* day of *May* 1902, and in the 12 *6th* year of the Commonwealth. A copy, Teste: *A. B. Munsey* Clerk.

Clerk.



Charles Scherrer Guard

vs. }

SUBPOENA  
IN CHANCERY.

Bertha S. Bales et al

Permington Bros p. q.

To/et June Rules.

1902. Circuit Court.

I hereby accept  
Legal service of  
the within summons.

John T Bales

Bertha S. Bales.

Herbert O Bales